

[COUNSEL LISTED ON SIGNATURE PAGE]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

MONOLITHIC POWER SYSTEMS, INC.,

Case No. C 08-4567 CW

Plaintiff,

V.

O2 MICRO INTERNATIONAL LIMITED.

## Defendant

**STIPULATED DISMISSAL WITH  
PREJUDICE AS TO UNITED STATES  
PATENT NOS. 6,809,938; 6,856,519; 6,900,993  
AND 7,120,035**

O2 MICRO INTERNATIONAL LIMITED.

#### **Counterclaimant.**

V.

MONOLITHIC POWER SYSTEMS, INC.,  
ASUSTEK COMPUTER INC., ASUS  
COMPUTER INTERNATIONAL, BENQ  
CORPORATION, AND BENQ AMERICA  
CORP..

## Counterclaim-Defendants

**Stipulated Dismissal of Claims and Counterclaims  
Case No. C 08-4567-CW**

1 Plaintiff Monolithic Power Systems, Inc. (“MPS”), Defendant O2 Micro International  
2 Limited (“O2 Micro”), and Counterclaim Defendants ASUSTeK Computer Inc. and ASUS  
3 Computer International, hereby stipulate to a dismissal with prejudice of their respective claims  
4 for relief concerning U.S. Patent Nos. 6,809,938 (“‘938 patent”); 6,856,519 (“‘519 patent”);  
5 6,900,993 (“‘993 patent”) and 7,120,035 (“‘035 patent”) (collectively, the “‘519 Patent Family”)  
6 based on the following premises:

7 (1) Whereas, on October 1, 2008, MPS filed this action seeking a declaratory  
8 judgment that its power inverter controller products do not infringe any claim of  
9 the ‘519 Patent Family and that the claims of the ‘519 Patent Family are invalid;  
10 (2) Whereas, on February 11, 2009, O2 Micro filed an amended Answer that included  
11 a counterclaim for infringement of U.S. Patent No. 7,417,382 (“‘382 patent”), as  
12 well as infringement of the ‘938, ‘519, and ‘035 patents;  
13 (3) Whereas, on May 5, 2009, MPS filed a Second Amended Complaint seeking a  
14 declaration that (i) its power inverter controller products do not infringe any claim  
15 of the ‘519 Patent Family or the ‘382 patent; (ii) that the claims of the ‘519 Patent  
16 Family and the ‘382 patent are invalid; and (iii) that the claims of the ‘519 Patent  
17 Family and the ‘382 patent are unenforceable due to inequitable conduct;  
18 (4) Whereas, in the course of discovery, the parties have identified the following as  
19 MPS’s CCFL inverter controller products: MP1007, MP1008, MP1009, MP1010,  
20 MP1010A, MP1010B, MP1011, MP1011A, MP1012, MP1013, MP1015,  
21 MP1016, MP1017, MP1018, MP1018C, MP1021, MP1022, MP1022A, MP1023,  
22 MP1024, MP1025, MP1025A, MP1026, MP1027, MP1028, MP1029, MP1030,  
23 MP1031, MP1032, MP1033, MP1035, MP1037, MP1038, MP1039, MP1041,  
24 MP1046, MP1048, MP1052, MP1060, MP1061, MP1070, MP1080, MP1088,  
25 MP1251, MP1872, MP1900, MP10091, VN800, VN801, VN830, and VN831;  
26 (5) Whereas, by its signature to this stipulation as of the date of its signature, O2  
27 Micro covenants not to assert the ‘519 Patent Family against MPS or MPS’s

direct or indirect customers for past or future infringement by (i) the following MPS CCFL inverter controller products in their currently existing form: MP1007, MP1008, MP1009, MP1007, MP1008, MP1009, MP1010, MP1010A, MP1010B, MP1011, MP1011A, MP1012, MP1013, MP1015, MP1016, MP1017, MP1018, MP1018C, MP1021, MP1022, MP1022A, MP1023, MP1024, MP1025, MP1025A, MP1026, MP1027, MP1028, MP1029, MP1030, MP1031, MP1032, MP1033, MP1035, MP1037, MP1038, MP1039, MP1041, MP1046, MP1048, MP1052, MP1060, MP1061, MP1070, MP1080, MP1088, MP1251, MP1872, MP1900, MP10091, VN800, VN801, VN830, and VN831; (ii) any MPS CCFL inverter controller products incorporating only insubstantial changes to the design and relevant operation of the products listed in (i); and (iii) any MPS CCFL inverter modules and end-user devices incorporating such MPS CCFL inverter controller products described in (i) and (ii) above.

If, despite the existence of this stipulation, O2 Micro alleges infringement of the ‘519 Patent Family against MPS or MPS’s direct or indirect customers based on their use of the aforementioned MPS products, any lawsuit must be filed in the Northern District of California. O2 Micro agrees that any assignment or exclusive license to the ‘519 Patent Family will be subject to this Stipulation.

19 As a consequence of this Stipulation, the only patent remaining in this action is U.S.  
20 Patent No. 7,417,382.

LATHAM & WATKINS LLP

By: Mark A. Flagel /s/

Attorneys for Plaintiff and Counterclaim-Defendant  
Monolithic Power Systems, Inc.

1 Dated: June 30, 2009

HOWREY LLP

2 By: \_\_\_\_\_ /s/  
3 K.T. Cherian

4 Attorneys for Defendant and Counterclaimant  
5  
6  
O2 Micro International, Ltd.

7 Dated: June 30, 2009

FINNEGAN, HENDERSON, FARABOW,  
8 GARRETT & DUNNER, L.L.P.

9 By: \_\_\_\_\_ /s/  
Scott R. Mosko

10 Attorneys for Plaintiff and Counterclaim-Defendant  
11 Monolithic Power Systems, Inc. and  
12 Counterclaim-Defendants ASUSTeK Computer Inc. and  
ASUS Computer International

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Stipulated Dismissal of Claims and Counterclaims  
Case No. C 08-4567-CW

## **ORDER**

Pursuant to stipulation, it is SO ORDERED. All claims and counterclaims asserted herein as to U.S. Patent Nos. 6,809,938; 6,856,519; 6,900,993 and 7,120,035 are hereby DISMISSED with prejudice in accordance with the terms of and with respect to products as set forth in the Stipulation of the parties.

The only patent remaining in this action is U.S. Patent No. 7,417,382.

Dated: 7/14/09

Chadiealitt

THE HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

### **Filer's Attestation**

I, Mark A. Flagel, am the ECF User whose identification and password are being used to file this Stipulated Dismissal With Prejudice As To United States Patent Nos. 6,809,938; 6,856,519; 6,900,993 and 7,120,035. Pursuant to General Order No. 45, § X(B), I attest under penalty of perjury that concurrence in the filing of the document has been obtained from K.T. Cherian and Scott R. Mosko.

Dated: June 30, 2009

By: \_\_\_\_\_ /s/  
Mark A. Flagel

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**Stipulated Dismissal of Claims and Counterclaims  
Case No. C 08-4567-CW**